

1
2
3
4
5
6 IN THE UNITED STATES DISTRICT COURT
7
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9

10 VARO-REAL INVESTMENTS, INC.,

11 Plaintiff,

No. C 19-07289 WHA

12 v.

Related to

13 MARIO SANDER, and DOES 1 through
14 X,

No. C 19-06379 WHA

15 Defendants.
_____ /

16 CAMARI V. CAMPBELL,

**ORDER GRANTING
MOTION TO REMAND**

17 Interested Party/Tenant/
18 Occupant.
_____ /

19
20 Defendant Mario Sander previously removed this unlawful detainer action from state
21 court only to have it remanded for lack of subject-matter jurisdiction, there being neither
22 diversity jurisdiction nor federal-question jurisdiction.

23 Undeterred, Camari Campbell, “purportedly on behalf of Sander,” has now improperly
24 removed this case to federal court, supposedly based on federal-question jurisdiction.
25 Campbell has not been named as a party in this action and does not have standing to remove
26 this action. Moreover, the new removal notice merely copied and pasted from the previous
27 defective notice, with the addition of an alleged violation of a local rent control policy (Case
28 No. C19-07289 WHA, Dkt. No. 1). Plaintiff thereafter moved to have the case related to the

1 previously removed case and remanded to state court, a ruling of which judicial notice is now
2 taken (Case No. C19-06379 WHA, Dkt. No. 20). Although plaintiff filed its motion on the
3 previously removed case's docket, this order construes the motion to apply to the relevant case
4 docket (Case No. C19-07289 WHA). The undersigned related the cases by order, and now
5 **GRANTS** plaintiff's motion to remand for the same reasons set forth before (Case No.
6 C19-06379 WHA, Dkt. No. 17).

7 Plaintiff's counsel seeks \$676 in attorney's fees under the removal statute, which
8 provides that a court "may require payment of just costs and any actual expenses, including
9 attorney's fees, incurred as a result of the removal." 28 U.S.C. § 1447(c). Plaintiff contends
10 that this case was removed again "as part of a scheme to hinder and delay the [u]nlawful
11 [d]etainer case" and defendant is "clearly seeking removal to prolong the litigation and force
12 [p]laintiff to incur additional costs." Thus, counsel seeks fees for time she and her paralegal
13 spent addressing this removal. This order finds that it is just to award fees here. Campbell
14 removed the same action based on the same reasons for the previous removal, with no
15 meaningful change. Campbell therefore lacked any objectively reasonable basis for believing
16 removal was appropriate. Plaintiff's demand for \$676 in fees is reasonable under the
17 circumstances and based on competitive billing rates. Attorney's fees in that amount are
18 therefore **GRANTED**.

19 A hearing was held on November 27, 2019. The hearing was set for 10:00 a.m., called
20 at 10:10 a.m. Neither defendant nor anyone on behalf of defendant appeared. The hearing was
21 then postponed ten minutes, recalled at 10:26 a.m. Still, defendant did not appear and the Court
22 went ahead with the hearing. Defendant Sander and any and all other "co-interested parties" are
23 hereby admonished not to file any more removals to the district court.

24 **CONCLUSION**

25 Accordingly, plaintiff's motion to remand is **GRANTED** and plaintiff's request for
26 attorney's fees is **GRANTED** in the amount of **\$676**. Campbell's application to proceed in forma
27
28

1 pauperis is **DENIED AS MOOT**. The Clerk shall **REMAND** the case to the Superior Court of
2 California, County of Contra Costa and **CLOSE THE FILE**.

3
4 **IT IS SO ORDERED.**

5
6 Dated: November 27, 2019.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE